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8 Attorneys for Mr. Rodriguez

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE MARILYN L. HUFF)

11 UNITED STATES OF AMERICA,) Case No. 08-CR-0992-H
12 Plaintiff,) Date: August 25, 2008
13 v.) Time: 2:00 p.m.
14 **RUBEN RODRIGUEZ**) **NOTICE OF MOTION AND**
15 Defendant.) **MOTIONS TO:**
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1) **COMPEL DISCOVERY AND**
PRESERVE EVIDENCE;
2) DISMISS INDICTMENT AND;
3) FILE ADDITIONAL MOTIONS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY
PAUL S. COOK, ASSISTANT UNITED STATES ATTORNEY

PLEASE TAKE NOTICE that on August 25, 2008, or as soon thereafter as counsel may be heard,
Ruben Rodriguez, by and through his counsel, Victor N. Pippins and Federal Defenders of San Diego, Inc.,
will ask this Court to enter and order granting Mr. Rodriguez's motions in the above listed case.

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MOTION

RUBEN RODRIGUEZ, the accused in this case, by and through his attorneys, Victor N. Pippins, and Federal Defenders of San Diego, Inc., pursuant to the Fourth, Fifth and Sixth Amendments to the United States Constitution, Federal Rules of Criminal Procedure and all other applicable statutes, case law and local rules, hereby moves this court for an order:

- 1) to compel discovery and preserve evidence;
- 2) to dismiss indictment
- 3) to grant leave to file further motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at the time of the hearing on these motions.

Respectfully submitted,

Dated: August 8, 2008

/s/ Victor N. Pippins
VICTOR N. PIPPINS
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Rodriguez

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Attorneys for Mr. Rodriguez

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE MARILYN L. HUFF)

UNITED STATES OF AMERICA,) Case No.: 08CR0992-H
Plaintiff,) Date: August 25, 2008
) Time: 2:00 p.m.

v.) **CERTIFICATE OF SERVICE**
)
RUBEN RODRIGUEZ,)
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Defendant.)
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)

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of his information and belief, and that a copy of the foregoing document has been served this day upon:

Paul S. Cook
paul.cook@usdoj.gov,esmeralda.diaz@usdoj.gov,efile.dkt.gc1@usdoj.gov

Respectfully submitted,

DATED: August 8, 2008

/s/ Victor N. Pippins

VICTOR N. PIPPINS

Federal Defenders of San Diego, Inc.
Attorneys for Mr. Rodriguez